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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,197	08/18/2003	William A. Bastian II	3436-13	3658

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT PAPER NUMBER

2635

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/643,197	Applicant(s) BASTIAN, WILLIAM A.	
	Examiner Matsuichiro Shimizu	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-22, 24-27 and 29-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3, 5-22, 24-27 and 29-39 is/are allowed.
- 6) ☒ Claim(s) 40-42, 44 and 46-48 is/are rejected.
- 7) ☒ Claim(s) 43 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

The examiner acknowledges canceled claims 2, 4, 23 and 28, currently amended claims 1, 3 and 24 and new claims 36–48.

***Response to Arguments***

Applicant's arguments with respect to new claims 40–42 and 46–48 have been considered but are moot in view of the new grounds of rejection.

Therefore, rejection of claims 40–42 and 46–48 follows:

***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40–42 and 46–48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danelski (5,812,986) in view of Takizawa (JP 2000118641).

Regarding claim 40, Danelski teaches a method, comprising: providing a pick/put to display device (col. 1, lines 28–30, service associated with light directed module 28 (col. 5, lines 32–38)) with an image display and an indicator light; illuminating the indicator light to alert (col. 2, lines 35–44, alerting associated with light display) an operator of a service to be performed on an item at a first storage location.

But, Danelski is silent on an operator of a service to be performed on an item at a second storage location.

However, Takizawa teaches, in the art of display device, displaying an arrow that points towards the second storage location below the display 8 on the image display (Figs. 2 and 4, arrow pointing to the second storage location on the image display 8 wherein the first location is above the display) for the purpose of providing easy sorting. Therefore, it would have been obvious to a person skilled in the art at the time of invention was made to include displaying an arrow that points towards the second storage location below the display 8 on the image display in the device of Danelski because Danelski suggests pick/put to display device to display the first location and Takizawa teaches displaying an arrow that points towards the second storage location below the display 8 on the image display for the purpose of providing easy sorting.

Regarding claims 41 and 47, Takizawa continues, as claimed in claim 40, to teach display the first location via arrow pointing up 8 (Fig. 1).

Regarding claims 42 and 48, Takizawa continues, as claimed in claim 40, to teach display the second location via arrow pointing down 8 (Fig. 1).

Regarding claim 46, Danelski teaches displaying a service instruction or command (fig. 2, col. 2, lines 25–29, instruction associated with quantity of items to be serviced and inventory specialist will press a task complete button after completing the service) for the item.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danelski in view of Takizawa as applied to claim 40 above, and further in view of Johnsen (5,151,684).

Regarding claim 44, Danelski in view of Takizawa continues to teach the method of claim 40, further comprising: wherein the display device includes text. But Danelski in view of Takizawa does not teach the display device includes playing the first sound recording of the first voice instructions associated with the first storage location with a the speaker of the pick/put to display device.

However, Johnsen teaches, in the art of voice instruction system, the display device includes playing the first sound recording of the first voice instructions associated with the first storage location with a the speaker of the pick/put to display device (col. 5, lines 22–23, voice instruction associated audible alarm via tampering with the tag device; col. 6, lines 64–66, emitting audible sound by alarm 48) for the purpose of providing voice instruction of warning. Therefore, it would have been obvious to a person skilled in the art at the time of invention was made to the display device includes playing the first sound recording of the first voice instructions associated with the first storage location with a the speaker of the pick/put to display device in the device of Danelski in view of Takizawa because Danelski in view of Takizawa suggests the display device includes text and Johnsen teaches the display device includes playing the first sound recording of the first voice instructions associated with the first storage location with a the speaker of the pick/put to display device for the purpose of providing voice instruction of warning.

*Allowable Subject Matter*

Claims 43 and 45 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 43, the prior arts fail to teach or fairly suggest displaying on the image display of the pick/put to display device first instructions concerning a first product stored at the first storage location; and displaying on the image display of the pick/put to display device second instructions concerning a second product stored at the first storage location.

Regarding claim 45, the prior arts fail to teach or fairly suggest the display device includes playing the first sound recording of the second voice instructions associated with the second storage location with a the speaker of the pick/put to display device.

*Allowable Claims*

Claims 18–22 and 35 are previously allowed. Amended claims 1, 3, 5–17, 24–27 and 29–34 are allowed since they include previously allowed dependent claims. Furthermore, new claim 36–39 are allowed since the claims 36–39 includes previously objected dependent claims and portion of the limitations of the base claims.

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*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu  
October 14, 2005



MICHAEL HORABIK  
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